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09/189,768	11/10/1998	SADAYUKI NARUSAWA	51270-245585	5853

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EXAMINER
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ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/189,768

Applicant(s)

NARUSAWA ET AL.

Examiner

Lun-See Lao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

## **DETAILED ACTION**

### *Introduction*

1. This action is in response to applicant's amendment filed on 09/09/2002. New Claims 21 - 23 have been added. Claims 1 - 4 and 9 -17 have been amended.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

### ***Claim Objections***

4. Claims 7-8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 3-4. See MPEP § 608.01(n). Accordingly, claims 7-8 will not be further treated on the merits.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-12, 15, 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Timis (US PAT.5,792,971).

Regarding claim 1, Timis teaches an audio system comprising:

an audio device (see fig.1,19);

a computer for creating computer audio data and control data for operating the audio device (see col.5 line 25-57); and

data transmission means for linking the audio device and the computer together to transmit data there between (see col.6 line 23-47),

wherein said computer has an output for outputting the computer audio data and the control data to the audio device via the data transmission means (see col.6 line 23-63),

and wherein said audio device includes

a first system portion (see fig.1, 180,152) for processing audio source audio data that is provided by an audio source other than the computer,

a second system portion (see fig.1, 1) for processing the computer audio data from the computer, and

mixing means for performing mixing of the audio source audio data and the computer audio data, which are respectively processed by the first and the second sound system portions (see col.5 line 57-col.6 line 22).

Regarding claim 2, Timis teaches an audio system comprising:

an audio device (see fig.1, 19);

a computer for creating computer audio data and control data for operating the audio device (see col.5 lines 25-57); and

data transmission means for linking the audio device and the computer together to transmit data there between (see col.6 lines 25-47),

wherein said computer has an output for outputting the computer audio data and the control data to the audio device via the data transmission means (see col.6 lines 23-63),

and wherein said audio device includes

a first system portion (see fig.1, 180,152) for performing signal processing on the computer audio data from the computer, or for performing the signal processing on audio source audio data of an audio source different from the computer audio data, or

the audio source audio data selectively provided by one of a plurality of audio sources different from the computer,

a second system portion (see fig.1, 1) for performing simple signal processing, which is simple as compared with the signal processing of the first system portion, on the computer audio data from the computer,

mixing means for performing mixing of the audio source audio data and the computes audio data, which are respectively processed by the first and second system portions (see col.5 line 57-col.6 line22) and

means for turning off the mixing of the mixing means when the first system portion performs the signal processing selectively on the computer audio data of the computer (see col.5 line 57-col.6 line 22).

Regarding claims 3-4, Timis teaches that the audio system of the computer further includes

Display (see fig.4, a-f) means for displaying an operation panel for operating the audio device,

means for outputting the control data to an audio device via the data transmission means on the basis of operation of the operation panel (see col.7 line 37-col.8 line 35),

means for receiving information regarding operation made by the audio device via the data transmission means as the control data so as to reflect the control data in content of the operation panel, and

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means for outputting the computer audio data to the audio device via the data transmission means (see col.8 line 35-col.9 line 46).

Regarding claims 5-8, Timis teaches that the audio system wherein the data transmission means (see fig.3, 206) is configured by a single serial bus cable and its interface (see fig.1)

Regarding claim 9, Timis teaches an audio device comprising  
at least one audio source (see fig.1, 19);  
an interface for inputting computer audio data supplied from a computer (see fig.1,1),

audio processing means for processing audio source audio data provided by the audio source (see fig.1,(180,152)) and the computer audio data (19) provided by the computer;

mixing means (see fig.3,206) for performing mixing between the audio source audio data processed by the audio processing means and the computer audio data; and  
speaker means (see fig.3) for producing sound based on output of the mixing.

Regarding claim 10, Timis teaches an audio device comprising:

input means for inputting audio source audio data (see fig.1, 180,152)  
supplied from an audio source different from a computer;

an interface for inputting computer audio data (see fig.1,19) supplied from the computer;

mixing means for performing mixing between the audio source audio data input by the input means and the computer audio data which is input thereto via the interface (see fig.1); and

speaker means for producing sound based on output of the mixing means (see fig.3).

Regarding claim 11, Timis teaches a machine readable media for storing an audio control program that causes a computer to actualized an audio control system comprising:

graphical user interface means (see fig.3, 182) for operating the audio device, the graphical user interface means actualizing an operation to select an audio source for the audio device and an operation to perform mixing on audio source audio data of the selected audio source and computer audio data provided by the computer (see fig.3);

means for outputting control data to the audio device via an external serial bus (connection between computer and MINI (keyboard; slider)) means on the basis of operation of the graphical user interface means (slider);

means for receiving information regarding operation of the audio device as the control data via the external serial bus means (connection between computer and MINI keyboard; slider) so as to reflect the control data in content of graphical user interface (see col.7 line 25-col.8 line 67); and

means for outputting the computer audio data to the audio device via the external serial bus means (connection between computer and MINI (keyboard; slider)).



Regarding claim 12, Timis teaches an audio system, comprising:

an audio device for producing first audio data (see fig.1, 180) in connection with at least one audio source (see col.6 lines 5-22),

external serial bus means (connection between computer and MINI keyboard; slider); and

a personal computer (fig.1, 1) for producing second audio data and control data, wherein the audio device performs mixing between the first audio data (180) and the second audio data (19), which is transmitted thereto via the external serial bus means (connection between computer and MINI (keyboard; slider)), on the basis of the control data so that speaker means produces sound based on mixing results (see col.5 line 57-col.6 line22).

Regarding claim 15, Timis teaches an audio system, comprising:

an audio device (see fig.1, 180) for producing first audio data in connection with at least one audio source,

external serial bus means (connection between computer and MINI (keyboard; slider)), and

a personal computer (1), for producing second audio data and control data, wherein the audio device further includes selection mean for selecting one of the first audio data and the second audio data, signal processing means for performing signal processing on output of the selection means, adjustment means for performing adjustment on the second audio data with respect to sampling parameters digital mixing means for performing digital mixing between output of the signal processing means and

output of the adjustment means, and digital-to-analog conversion means for converting result of the digital mixing to analog signals, and speaker means (see fig.3) for producing the sound based on the analog signals (see col.6 line 5-col.7 line 35).

Regarding claims 18-20, Timis teaches that the audio source corresponds to a tuner or a recording media (hard drive (see col.5 lines 55-67)); and audio system wherein the personal computer (see fig.1,1) uses graphical user interface (GUI) (see fig.3, 182) for creation of the control data for controlling operation of the audio device and the signal processing corresponds to a graphic equalizer process and/or a sound field control process (see col.6 line 63-col.7 line33).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timis (US PAT 5,792,971) as applied to claim 12 and in view of Fuchu (US PAT 6,314,326).

Regarding claims 16-17, Timis fails to teach that the external serial bus means corresponds to a universal serial bus; and the external serial bus means corresponds to an IEEE 1394 serial bus.

However, Fuchu teaches that an audio system of the external serial bus means corresponds to a universal serial bus; and the external serial bus means corresponds to an IEEE 1394 serial bus (see col.7 line 38-col.8 line 65).

Therefore, it would obvious to one of ordinary skill in the art at time invention was made to utilize the teaching of Fuchu into Timis to provide a visual interpretation of how a signal is being processed, to control with high resolution and accuracy, and to be able to return to successful characteristics and parameters as a starting point for new application.

9. Claims 13, 14 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silfvast et al (US PAT 5,524,060) in view of Timis (US PAT 5,792,971).

Regarding claim 13, Silfvast teaches an audio system, comprising:  
an audio device for producing first audio data in connection with at least one audio source (input lines 45) (fig. 2, col. 5, lines 58-67),  
external serial bus means (serial link 57, 60) (fig. 5), and  
a personal computer (54), for producing control data (control voltage Vc transferred from computer 54) (col. 12, line 54 – col. 13, line 59),

wherein the auto device (amplifier) further includes selection means for selecting (switch 143) one of the first audio data and the second audio data, which is transmitted thereto via an external serial bus means (57), signal processing means for performing (DSP 129) signal processing on output of the selection means, first digital-to-analog

conversion means for converting (DAC 147) output of the signal processing means to first analog signals, and analog mixing means for performing analog mixing (VCA 125) between the first analog signals and a second analog signals, whereby speaker means (output / speaker) produces sound based on the result of the analog mixing (fig. 8). See col. 4, line 63 - col. 5, line 67; col. 6, lines 6-19; col. 9, lines 1-35; col. 12, line 54 – col. 13, line 59.

While Silfvast teaches that audio input includes multiple input lines from a variety of sources (col. 4, line 63 – col. 5, line 7), and illustrates in detail (fig. 8) one particular input line of such audio input and the processing thereof, Silfvast does not teach that the second audio data is from the personal computer, nor the associated second digital-to-analog conversion means for converting audio data from the personal computer to second analog signals.

However, Timis teaches an audio system with a variety of audio input sources, one of which is a personal computer (music workstation) which produces digital audio data (output from 204) which is then converted to analog format (D/A converter 160) (col. 6, line 64 – col. 7, line 9). Therefore, it would have been obvious to allow the personal computer of Silfvast to be an audio input source to produce the second audio data and include a second digital-to-analog conversion means for converting the second audio data from the PC to second analog signals. It would have been obvious to combine the teachings of Silfvast and Timis because this would have provided improved standarization (MIDI standard) of the communications between the devices of the audio system of Silfvast (Timis, col. 1, lines 46-57).

Regarding claim 14, Silfvast teaches the audio device further comprises switch means for disconnecting (switches 137, 143) the second digital-to-analog conversion means from the analog mixing means when the selection means selects the second audio data (col. 13, lines 6-24).

Regarding claim 21, it is covered by claim 13. Note the equivalence of audio device audio data / first audio data, and computer audio data / second audio data. Silfvast as modified by Timis further teaches output means for outputting (Timis, sound output device 162). Note the discussion of claim 13 for a motivation to combine.

Regarding claim 22, it is covered by claim 13. Silfvast further teaches interface for inputting computer audio data supplied from a computer (link 57, RAM 131) (col. 12, lines 54-63).

Regarding claim 23, note discussion of claim 13. In particular, Silfvast as modified by Timis teaches

input means for inputting audio source audio data supplied from an audio source different from a computer (audio input 53) (Silfvast, col. 5, lines 58-67);

interface for inputting computer audio data supplied from the computer (serial link 57, RAM 131) (Silfvast, col. 12, lines 54-63),

selection means for selecting one of the audio source audio data and the computer audio data (Silfvast, switch 143);

signal processing means for performing signal processing on output of the selection means (Silfvast, DSP 129);

first digital-to-analog conversion means for converting output of the signal processing means to first analog signals (Silfvast, DAC 147);

second digital-to-analog conversion means (Timis, D/A converter 160) for converting the computer audio data from the personal computer (Timis, output from processing unit 204) to second analog signals (col. 6, line 64 – col. 7, line 9),

analog mixing means for performing mixing between the first analog signals and the second analog signals (Silfvast, VCA 125),

speaker means for producing sound based on output of the mixing means (Silfvast, output / speaker). See Silfvast, col. 4, line 63 - col. 5, line 67; col. 6, lines 6-19; col. 9, lines 1-35; col. 12, line 54 – col. 13, line 59. Note discussion of claim 13 for a motivation to combine the teachings of Silfvast and Timis.

10. Applicant's arguments filed 9/9/2002 have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao, Lun-See whose telephone number is (703) 305-2259. The examiner can normally be reached on Monday-Friday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

Lao, Lun-See  
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